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18 UNITED STATES DISTRICT COURT

19 DISTRICT OF NEVADA

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
22 Kingsbury on behalf of themselves and all
others similarly situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
26 Championship and UFC,

27 Defendant.
28

Case No.: 2:15-cv-01045-RFB-(PAL)

**JOINT MOTION TO
CONDITIONALLY FILE UNDER
SEAL PLAINTIFFS' REPLY
STATEMENT REGARDING
RULE 23 STANDARDS (ECF NO.
646) AND PLAINTIFFS'
RESPONSE TO ZUFFA, LLC'S
PROPOSAL REGARDING THE
TREATMENT OF PROTECTED
MATERIAL FOR THE
EVIDENTIARY HEARING ON
CLASS CERTIFICATION (ECF
NO. 639)**

On January 23, 2019, Plaintiffs filed their Reply Statement Regarding Rule 23 Standards (ECF No. 646) (the “Reply Statement”) and their Response to Zuffa, LLC’s Proposal Regarding the Treatment of Protected Material for the Evidentiary Hearing on Class Certification (ECF No. 639) (the “Sealing Response”). On the same date, Defendant Zuffa, LLC (“Zuffa”) filed its Responsive Brief Regarding Plaintiffs’ Statement Regarding Use of Confidential Materials at the Court-Ordered Evidentiary Hearing (ECF No. 645), requesting that the Court maintain the confidentiality of sealed documents and information at the upcoming evidentiary hearing. Plaintiffs’ Reply Statement and their Sealing Response contain references to (1) the percentage of event revenues Zuffa pays to its fighters (“Wage Share”); (2) the Wage Share Zuffa would pay its fighters in a world absent the alleged anticompetitive scheme, as calculated by Plaintiffs’ experts; (3) the Wage Share other sports organizations pay to their athletes, which is mostly publicly available information; and (4) Zuffa’s purportedly confidential information, which Zuffa contends includes internal business strategy and financial information. These materials have been designated as Confidential or Highly Confidential by Zuffa (the “Disputed Materials”), pursuant to the Revised Stipulation and Protective Order issued by this Court on February 10, 2016 (ECF No. 217) (the “Protective Order”).

Zuffa does not believe that the information in category (3) above meets the “compelling reasons” standard for sealing and has, in an effort to narrowly tailor its redactions, removed those redactions despite its belief that the “good cause” standard applies. Zuffa has attached lesser redacted versions of the Reply Statement and Sealing Response to this joint motion that removes redactions from category (3) above and certain other information that Zuffa is not requesting to seal in an effort to narrowly tailor its sealing requests. Decl. of Stacey K. Grigsby in Supp. of Joint Mot. ¶ 3 & Exs. A & B.

Zuffa and Plaintiffs (collectively, “The Parties”) disagree as to whether the Disputed Materials should remain under seal. However, the briefing they have already filed in their respective Sealing Proposals (ECF Nos. 631, 632) and related responsive briefs (ECF Nos. 639, 645) directly addresses this dispute, and the Parties expect that the Court’s decision on how to treat protected materials at the upcoming hearing will resolve the disagreement regarding whether

1 the Disputed Materials at issue in Plaintiffs' Reply Statement and Sealing Response should
2 remain under seal. Therefore, solely for the limited reason that the Disputed Materials, as they
3 currently stand, are still designated Confidential or Highly Confidential, Plaintiffs do not oppose
4 Zuffa's request in this joint motion that the Disputed Materials remain under seal, in accordance
5 with the Protective Order, until the Court has ruled on the Sealing Proposals and decided how it
6 will treat protected material during the evidentiary hearing. Plaintiffs continue to reserve their
7 right to challenge Zuffa's confidentiality designations pursuant to Section 6.1 of the Protective
8 Order.

9 Zuffa and Plaintiffs have stated each of their positions at length in their respective briefing
10 regarding the treatment of confidential and protected material at the evidentiary hearing in the
11 Sealing Proposals, related responses, and in other briefing on motions to seal, but the Parties do
12 not seek to re-litigate this issue for the purposes of these filings. Having met and conferred on
13 this issue, the Parties jointly move to file the Disputed Materials in Plaintiffs' Reply Statement
14 and Sealing Response conditionally under seal, pending the Court's ruling on the Parties'
15 respective Sealing Proposals. Should the Court determine that any of the materials under seal
16 should not be sealed, the Parties will re-file these materials on the public docket at that time.

Dated: January 28, 2019

Dated: January 28, 2019

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By: /s/ Stacey K. Grigsby

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ATTESTATION OF FILER

The signatories to this document are myself and Kevin Rayhill, and I have obtained Mr. Rayhill's concurrence to file this document on his behalf.

Dated: January 28, 2019

/s/ Stacey K. Grigsby

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Motion to Conditionally File Under Seal Plaintiffs' Reply Statement Regarding Rule 23 Standards and Plaintiffs' Response to Zuffa, LLC's Proposal Regarding the Treatment of Protected Material for the Evidentiary Hearing on Class Certification was served on January 28, 2019 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Brent K. Nakamura
Brent K. Nakamura